

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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In re: Case No. 19-43516-ess

MICHAEL KRICHESKY, Chapter 11

Debtor.

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ORDER SCHEDULING HEARING ON THE EMERGENCY RULE 2004 EXAM REQUEST

WHEREAS, on June 6, 2019, Michael Krichevsky (the “Debtor”) filed a petition for relief under Chapter 13 of the Bankruptcy Code; and

WHEREAS, on June 19, 2019, the Debtor filed a motion to extend deadline to file schedules or provide required information, to convert the case from a Chapter 13 to a Chapter 11, and to pay the filing fee in installments; and

WHEREAS, on October 8, 2019, the Court entered an order converting the Debtor’s case to one under Chapter 11 of the Bankruptcy Code; and

WHEREAS, on May 28, 2021, the Debtor filed an emergency ex parte application for a Bankruptcy Rule 2004 exam (the “Emergency Rule 2004 Exam Request”), which was not noticed for a hearing; and

WHEREAS, on May 30, 2021, the Debtor filed an affidavit and memorandum of law in support of the Emergency Rule 2004 Exam Request; and

WHEREAS, on June 7, 2021, Natsayi Mawere, Esq. filed a letter stating, among other things, that the Debtor has served her by first-class mail at her personal home address (the “June 7 Letter”); and

WHEREAS, the June 7 Letter requested, among other things, that the Court set a briefing schedule on the Emergency Rule 2004 Exam Request; the Court prohibit the Debtor from amending or supplementing his Emergency Rule 2004 Exam Request; and the Court direct the Debtor to serve any

pleadings, motions, and/or discovery demands upon Ms. Mawere at her business address, Reed Smith, LLP, and not her personal home address.

NOW, THEREFORE, it is hereby

ORDERED, that the Court will hold a telephonic hearing on the Emergency Rule 2004 Exam Request on July 1, 2021, at 10:30 a.m., before the Honorable Elizabeth S. Stong, in Courtroom 3585, United States Bankruptcy Court, 271-C Cadman Plaza East, Brooklyn, New York 11201; and it is further

ORDERED, that the Debtor is directed to serve this order and the Emergency Rule 2004 Exam Request via electronic mail or overnight mail by June 18, 2021 upon (a) the Office of the United States Trustee, Eastern District of NY (Brooklyn Office), U.S. Federal Office Building, 201 Varick Street, Suite 1006, New York, NY 10014; (b) U.S. Bank, N.A., c/o Reed Smith, LLP, 599 Lexington Avenue, New York, NY 10022; (c) Wells Fargo, N.A., c/o Reed Smith, LLP, 599 Lexington Avenue, New York, NY 10022; (c) Reed Smith, LLP, 599 Lexington Avenue, New York, NY 10022; (d) all parties that have filed a notice of appearance in this case; and (d) all other parties entitled to notice; and it is further

ORDERED, that opposition, if any, to the Emergency Rule 2004 Exam Request may be served and filed to be received by June 28, 2021; and it is further

ORDERED, that the Debtor is directed to serve Ms. Mawere at her business address, Reed Smith, LLP, at 599 Lexington Avenue, New York, NY 10022, and not at her personal home address; and it is further

ORDERED, that this hearing will be conducted telephonically. It is not necessary to request prior authorization to appear telephonically. All participants, including attorneys, clients, and pro se parties, may appear telephonically as follows:

**Please e-mail Judge Stong's Courtroom Deputy at
ess_hearings@nyeb.uscourts.gov at least one business day before the scheduled**

hearing to identify the individuals that will appear and to provide an e-mail address where each may be reached. All attorneys must also identify the party that the attorney represents.

Please call in at the time at which your hearing is scheduled, to avoid missing the call of your case. Note that, depending on where your case is on the calendar, you may have to wait for a time with your phone on mute until your case is called.

Below are the instructions to dial in for the telephonic appearance:

- 1. Dial in Number 888-808-6929**
- 2. Access Code – 8523285#**
- 3. State your name each time before speaking**
- 4. Avoid the use of a speaker phone, and use a landline if possible**
- 5. If you are not speaking, keep your phone on mute.**

**Dated: Brooklyn, New York
June 14, 2021**




Elizabeth S. Stong
United States Bankruptcy Judge

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